

Chapter 8.16

POLLUTION CONTROL FACILITIES

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8.16.010 Authorization. ILCS Ch. 415, Act 5, § 39.2 (Public Act 82-682). An Act Related to the Location of Sanitary Landfills and Hazardous Waste Disposal Sites gives the city government the responsibility of approving the location of all new regional pollution control facilities located within the corporate boundaries of the city. Developers of new regional pollution control facilities or owners of existing facilities that wish to expand their operation or change the types of waste they handle that are located in the city shall file a site approval request with the city council. The city council shall conduct a public hearing to allow the citizens to comment on the site location of the proposed regional pollution control facility. The city council, after examining the application and public comments, must make a determination as to whether the site meets the requirements of ILCS Ch. 415, Act 5, § 39.2. The following is a procedure for the city council to follow in fulfilling its responsibility under ILCS Ch. 415, Act 5, § 39.2. (Ord. 93-16 (part), 1992)

8.16.020 Definitions. The following words and phrases, when used in these procedures, shall have the meanings relatively ascribed to them:

Act “Act” means the Illinois Environmental Protection Act (ILCS Ch. 415, Act 5, § 1 et seq.).

Agency. “Agency” is the Illinois Environmental Protection Agency (ILCS Ch. 415, Act 5, § 3.105).

Applicant. “Applicant” means any person, and must include both the owner and the proposed operator, submitting a request for site location approval for a regional pollution control facility to the city.

Board. “Board” is the Illinois Pollution Control Board (ILCS Ch. 415, Act 5, § 3.130).

Completed application. “Completed application” is an application for site location

approval containing the information required by § 8.16.040, subparagraph B hereof and, accordingly, accepted for filing by the city clerk.

Department. “Department” is the Illinois Department of Energy and Natural Resources.

Disposal. “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or building or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters (ILCS Ch. 415, Act 5, § 3.185).

Garbage. “Garbage” is waste resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage and sale of produce (ILCS Ch. 415, Act 5, § 3.200).

Hazardous waste. “Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, or pursuant to board regulations (ILCS Ch. 415, Act 5, § 3.220).

Industrial process waste. “Industrial process waste” means liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means as an industrial process waste. Industrial process waste includes but is not limited to spent pickling, liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris (ILCS Ch. 415, Act 5, § 3.235).

Landscape waste. “Landscape waste” means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees (ILCS Ch. 415, Act 5, § 3.270).

Municipal waste. “Municipal waste” means garbage, general household and commercial waste, landscape waste, and construction or demolition debris (ILCS Ch. 415, Act 5, § 3.290).

Nuisance. “Nuisance” means the doing of or the failure to do something that injuriously affects the safety, health or morals of the public, or works some substantial annoyance, inconvenience or injury to the public and all other acts designated as such (ILCS Ch. 740, Act 40, § 221 et seq.).

Operator. “Operator” is any person that operates a regional pollution control facility.

Party. “Party” means any person, including the applicant and the city, who complies with the prehearing filing requirements set forth in § 8.16.050 B. and who may be affected by the siting of the facility.

Person. “Person” is any individual, partnership, co-partnership, firm, company, corporation, joint stock company, trust estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assigns (ILCS Ch. 415, Act 5, § 3.315).

Pollution control waste. “Pollution control waste” means any liquid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which made the disposal of such waste in a landfill difficult to manage by normal means. Pollution control waste includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, landfill waste, scrubber sludges and chemical spill cleanings (ILCS Ch. 415, Act 5, § 3.335).

Regional pollution control facility. “Regional pollution control facility” is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any legal general purpose unit of government. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under “An Act to create sanitary districts and to remove obstructions in the Des Plaines and Illinois Rivers”, approved May 29, 1889, as now or hereafter amended. The following are not regional pollution control facilities:

1. Sites or facilities located within the boundary of a local general purpose unit of government and intended to serve only that entity;
2. Waste storage sites regulated under 40 CFR Part 761.42;
3. Sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled, or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
4. Sites or facilities at which the state is performing removal or remedial action pursuant to Section 22.2 or 55.3;
5. Abandoned quarries used solely for the disposal of concrete,

earth materials, gravel or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by public utility;

6. Site or facilities used by any person to specifically conduct a landscape composting operation;

7. Regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;

8. The portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (s) (2) or (s)(3) of Section 21; or

9. The portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV (ILCS Ch. 415, Act 5, § 53 et seq.).

A new regional pollution control facility is:

1. A regional pollution control facility initially permitted for development or construction after July 1, 1981; or

2. The area of expansion beyond the boundary of a currently permitted regional pollution control facility; or

3. A permitted regional pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste (ILCS Ch. 415, Act 5, § 3.32).

Resource recovery. “Resource recovery” means the recovery of material or energy from waste (ILCS Ch. 415, Act 5, § 3.435).

Sanitary landfill. “Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation (ILCS Ch. 415, Act 5, § 3.445).

Site. “Site” means any location, place, tract of land, and facilities, including but not limited to buildings and improvements used for purposes subject to regulation or control by these procedures (ILCS Ch. 415, Act 5, § 3.460).

Special waste. “Special waste” means any industrial process waste, pollution control waste or hazardous waste except as may be determined pursuant to Section 22.9 of the Act (ILCS Ch. 415, Act 5, § 3.475).

Storm. “Storage” when used in connection with hazardous waste means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste (ILCS Ch. 415, Act 5, § 3.45).

Storage site. “Storage site” is a site at which hazardous waste is stored (ILCS Ch.

415, Act 5, § 3.485).

Waste. “Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-870) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto (ILCS Ch. 415, Act 5, § 3.535).

Waste disposal site. “Waste disposal site” is a site on which solid waste is disposed (ILCS Ch. 415, Act 5, § 3.540).

Waters. “Waters” means all accumulations of water, surface and underground, natural and artificial, public and private or parts thereof, which are wholly or partially within, flow through or border upon this state (ILCS Ch. 415, Act 5, § 3.550).

Groundwater. “Groundwater” means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure (ILCS Ch. 415, Act 5, § 3.210).

Waste transfer station. “Waste transfer station” means a facility or process required to be permitted by the agency that is so designed and operated so as to only transfer waste from vehicle to vehicle without any material or energy recovery or other processing of waste, exclusive of compacting or baling.

Unless otherwise defined herein, all words and terms used in these procedures shall have the meanings ascribed to them in the Act (Ord.93-16 § I, 1992)

8.16.030 Notification of an application for a regional pollution control site approval.

A. No later than 14 days prior to the filing of an application for site approval with the City Council the developer of the regional pollution control facility shall in writing notify all property owners within 250 feet in each direction of the lot line of the proposed facility, that an application will be made.

1. The notification of the property owners shall be in the form of a written notice that shall be served in person or by registered mail, return receipt requested.
2. The 250 feet requirement shall be computed by excluding the number of feet occupied by all public roads, streets, alleys, and other public ways. In no event shall this requirement exceed 400 feet including public streets, alleys, and other public ways.
3. The property owners shall be identified as being such persons or entities which appear on the authentic tax records of Vermilion County.

B. No later than 14 days prior to filing of an application for site approval with the City

Council the applicant for the regional pollution control facility shall notify in writing all members of the general assembly from the legislative district in which the proposed facility is located. The applicant shall also cause the written notice to be published in a newspaper of the largest general circulation in Vermilion County, and the local newspaper published in the city.

C. The written notice must contain the following information:

t The name and address of the applicant

2. The location of the proposed site.

3. The nature and size of the development.

4. The nature of the activity proposed.

5. The probable life of the proposed activity.

6. The date when the request for site approval will be submitted to the city council.

7. The right of persons to comment, in writing, or in person, at a public meeting. (Ord. 93-16 § II, 1992)

8.16.040 Application for site location approval A. Requests for site approval shall be made in the office of the city clerk. Upon receipt of any such request, the city clerk shall date stamp same and immediately deliver one copy of the request to the Mayor. A copy should also go to the clerk of each municipality within one and one-half miles of the proposed facility.

B. Requests for site approval shall include the following:

(1) A written petition and ten copies thereof on 8-1/2 x 11 paper which sets forth:

(a) The name and address of the applicant of the proposed site (if the proposed site is owned in trust, the name and address of the beneficiaries),

(b) The legal description of the proposed site and a street address or description of the proposed site's location,

(c) The nature and size of the development,

(d) The nature of activity proposed,

(e) The probable life of the proposed activity,

(f) The expected types of hazardous, nonhazardous and special wastes, including the generation of the waste,

(g) The monitoring plans, including background analysis for ground water, surface water and air,

(h) A plan to preclude acceptance of unauthorized materials by the facility,

(i) Reasons supporting approval of the application based on the nine criteria established by "An Act Related to the Location of Sanitary Landfills and Hazardous Waste Disposal Sites", ILCS Ch. 415, Act 5, § 39.2. The nine criteria are as follows:

1. The facility is necessary to accommodate the waste needs of the area it is intended to serve.

2. The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

3. The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

4. The facility is located outside the boundary of the one hundred year flood plain.

5. The plan of operations for the facility is designed to minimize the damage to the surrounding area from fire, spills or other operational accidents.

6. The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

7. If the facility will be treating, storing, or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release.

8. If the facility is to be located in a county where the county board has adopted a solid waste management plan, the facility is consistent with that plan.

9. If the facility will be located within a regulated recharge area, any applicable requirements specified by the board for such areas have been met

(2) Copies of all documents submitted to the Illinois environmental protection agency in connection with the applicant's application for (Illinois environmental protection agency) permits for siting approval. (Ord. 93-16 § III, 1992)

8.16.050 Public involvement and public hearing. A. The application and all documents submitted with the application shall be made available for public inspection at the office of the city clerk. Interested persons may obtain copies of the application upon payment of the actual cost of reproduction as established by the city council.

B. Any party who desires to participate in the public hearing shall file an entry of appearance, which shall include the address of the party, with the city clerk at least twenty-one days prior to the public hearing and serve a copy upon the hearing officer. Any party except the applicant shall submit all written testimony to be presented at the public hearing and all other evidence relating to the application requirements pursuant to § 8,16.040, subparagraph B, including but not limited to reports, studies, and exhibits that the party desires to submit for the record by filing the original and fifteen copies of the same with the city clerk at least ten days prior to the public hearing and by serving one copy upon the hearing officer and each party. In the event that the tenth day prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next business day shall be considered the day any appearance and/or evidence must be filed. The city clerk shall date- stamp any appearance and/or evidence upon receipt. In the case of documentary evidence, any person shall be allowed to obtain copies of said evidence upon payment of the actual cost of reproduction. Any party who has pre-submitted testimony shall bring copies of that testimony and any exhibits to the public hearing.

C. Any person may file written comments on the application with the city clerk.

(1) The city clerk shall date stamp the written comment and immediately deliver one copy with the post marked envelope in which the comment was received, to the mayor.

(2) Copies of such written comments shall be made available for public inspection in the office of the city clerk and members of the public shall be allowed to obtain a copy of any written comments upon payment of the actual cost of reproduction.

(3) Any written comment received by the city clerk or postmarked not later than 30 days after the date of the last public hearing shall be made a part of the record of the public hearing.

(4) The city council shall consider all written comments filed pursuant to B. of this section in making its determination concerning the application for site approval.

D. At least one public hearing shall be held by the city council no sooner than 90 days but not later than 120 from the receipt of the request for site approval. The public hearing may be held jointly with the Illinois environmental protection agency as stipulated in the

ILCS Ch. 415, Act 5, § 39.3.

(1) The city council shall cause to be published a notice in a newspaper of general circulation in Vermilion County of the date, time, and location of the public hearing, the newspaper with the largest general circulation in the county, and a local paper published in city. The city council will comply with all requirements of the Open Meetings Act when providing notice and conducting the public meeting.

(2) The city council shall notify by certified mail, all members of the general assembly from the district where the proposed site is located, the Illinois environmental protection agency and the applicant for site approval of the regional pollution control facility of the date, time and location of the public meeting.

(3) The city council shall insure that a court reporter will be present at any public hearing for purposes of establishing a record and a transcript of the proceedings.

(a) The transcript of the public hearing shall be made available for public inspection at the office of the city clerk. Interested persons may obtain copies of the transcription upon payment of the actual cost of reproduction.

(b) The office of the city clerk will maintain the transcript and make it a part of the site approval file.

E. The Mayor shall appoint with the concurrence of the city council, the hearing officer for the public hearing upon the city clerk's acceptance for filing of the completed application for site location approval. The hearing officer shall preside over the public hearing and shall make any decision concerning the admission of evidence and the manner in which the hearing is conducted subject to the procedural rules for public hearing adopted by the city council.

(1) The presiding officer of the hearing shall not arbitrarily limit testimony, but may exclude matters which are irrelevant, scurrilous, slanderous or unnecessarily repetitive. The presiding officer of the hearing may establish reasonable time limits for each witness,

(2) The hearing officer may continue the public hearing if he finds additional time for testimony is necessary. A continuance of time, date and place shall be determined immediately and announced to all present.

F. After reviewing the application, written comments, transcript of the public hearing(s) and other pertinent documents, the hearing officer shall present his findings on the nine criteria established in ILCS Ch. 415, Act 5, § 39.2 and submit the record of the hearing of the petition for site approval to the full city council no sooner than 30 days after the last public hearing, but no later than 60 days after the last public hearing.

G. The hearing officer shall be responsible for keeping the record of said hearing and shall file the record with the city clerk within sixty days after the date of the last public hearing.

H. The record shall consist of the following:

(1) The completed application for site location approval as described in § 8.16,040, subparagraph B hereof.

(2) Certificate of notice given by applicant pursuant to Section 39.2(b) of said Act (ILCS Ch. 415, Act 5, § 39.2(b)).

(3) Written comments filed by any person received by the city clerk postmarked within thirty days after the date of the last public hearing.

(4) All testimony, reports, studies, exhibits, written comments or documents received into

evidence at the public hearing.

(5) The written transcript of the public bearing and the daily audio and/or video tapes, if any.

(6) A summary of testimony and evidence submitted with regard to the nine point criteria required by statute.

I. The city clerk shall be responsible for certilring all copies of the record of the public hearing. (Ord. 93-16 § IV, 1992)

8.16.060 City council approval. A. No sooner than thirty days after the last public hearing, but no later than one hundred and seventy days from the receipt of the request for site approval, the city council shall, at a regular or special meeting, approve or deny the application or a regional pollution control facility site.

B. After receiving the report of the hearing officer and reviewing the application, written comments, record, and other pertinent documents, the city council shall base its decision on the application for a regional pollution control facility site location only in accordance with the following criteria:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;

(2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;

(4) The facility is located outside the boundary of the one hundred year flood plain as determined by the Illinois department of transportation, or the site is flood-proofed to meet the standards and requirements of the Illinois department of transportation and is approved by that department;

(5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents. The city couacil may consider any statement citing the past record, if any, of convictions or admissions of violations

of the applicant and any subsidiary, parent corporation or subsidiary of the parent corporation of any civil or criminal law or administrative regulation for acts occurring during the ownership and operation of said facility by applicant or any subsidiary parent corporation or subsidiary of the parent corporation. Said statement shall include, but not be limited to, a citation of the applicable statute of ordinance violated, a brief written summary of the violation or conviction and the penalty imposed.

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows; and

(7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release.

(8) If the facility is to be located in a county where the county board has adopted a solid waste management plan, the facility is consistent with that plan.

(9) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met

C. In granting approval for an application, the City Council may include conditions that are reasonable and necessary to accomplish the purpose of ILCS Ch. 415, Act 5, § 39.2, or that are consistent with the pollution control board regulations.

D. A statement of the decision, reasons for the decision based on the nine criteria, and conditions imposed by the city council shall be made in writing.

(1) The Illinois environmental protection agency and the applicant shall be notified by registered mail of the city council's decision and the conditions imposed.

(2) The decision, reasons for the decision and the conditions imposed by the city council shall be made available for public inspection at the office of the city clerk and may be copied upon payment of the actual cost of reproduction as established by the city council.

(B) If there is no final action by the city council within one hundred and eighty days after the filing of the request for site approval, the applicant may deem the request approved. (Ord. 93-16 § V, 1992)

8.16.070 Fees. A. An application fee to cover the expenses incurred by the city council in conducting the hearing for site approval requests for a new regional pollution control facility shall be paid by the applicant at the time the request for a siting approval is filed within the city clerk. The application fee shall be made payable to city and shall be paid to the city clerk's office.

(1) The application fee will cover notice costs, court reporter, and transcription costs and other direct expenses incurred by the city.

(2) The application fee for a regional pollution control facility site hearing shall be \$20,000 and paid in the form of a certified or cashier's check upon acceptance of the completed application for filing of a siting application at a local financial institution acceptable to the city to cover reasonable and necessary costs, including but not limited to, notice costs, court reporter costs, transcription costs, city engineer costs, hearing officer's costs, and other reasonable and necessary expenses incurred by the city in conducting the review of the request for the site location approval, the subsequent public hearing and the site location approval decision; provided, however, that any portion of the application fee that remains unexpended at the conclusion of the site location approval decision shall be returned to the applicant. If the applicant, prior to completion of applicant's factual evidence and an opportunity for cross questioning by any party at the public hearing, the applicant files an amended application, no additional filing shall be required if at least \$10,000 of the original application fee remains unused; if not, applicant must tender with the amended application sufficient funds to increase the unused fund to \$10,000. When \$20,000 balance is less than \$5,000, the applicant shall within 15 days of written notice from the city of the account balance being less than \$5,000 pay to the city a sufficient sum to raise the balance to \$20,000. (Ord. 93-16 § VI, 1992)

8.16.080 Procedural rules for public hearing. The following rules are adopted by the city council, for the purpose of conducting a public hearing on site approval for a regional pollution control facility pursuant to an Order for the approval of pollution control facility siting in the city.

A. Rule 1. Evidence will be presented by the party requesting site approval first, followed by witnesses called by the city council, and members of the public in order of

registration.

B. Rule 2. Witnesses for the party requesting site approval, the city representatives, and members of the public who present testimony or other evidence shall be sworn. Members of the public who wish to ask questions or comment on the proposal need not be sworn as a witness, and may be asked questions and cross-examined as provided in Rules 6 and 7.

C. Rule 3. Witnesses will remain at the hearing until excused by the hearing officer.

D. Rule 4. Evidence, questions and comments must be relevant to the subject matter of the hearing. The hearing officer may bar evidence, questions or comments which are not relevant, or which are scurrilous, slanderous or unnecessarily repetitive.

E. Rule 5. Formal rules of evidence will not apply, however, in addition to limiting evidence to relevant matters, the hearing officer may limit or exclude evidence which is not considered reliable. Reliable evidence shall mean evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Comments or questions which include or imply a factual basis may, in the discretion of the hearing officer, be considered at the hearing without proof of such factual basis; provided the hearing officer shall notify the person so questioning or commenting that supporting factual evidence may be submitted in writing to the city clerk within thirty days of the hearing, and that in the absence of such supporting factual evidence the committee may afford little or no weight to the person's comments or questions.

F. Rule 6. The hearing officer may question each witness after his or her direct or redirect testimony. The party seeking site approval shall have the right to conduct cross-examination or redirect examination as appropriate. The hearing officer shall allow the party seeking site approval a reasonable opportunity to rebut evidence presented by witnesses and matters raised by members of the public.

G. Rule 7. After all testimony has been presented, members of the public will be invited to provide comments and questions to the witnesses. Members of the public who wish to comment or ask questions are required to register by providing their full name and current address on a registration sheet.

H. Rule 8. The hearing officer will call members of the public in the order in which the names appear on the registration sheet, and when called, each person will be allowed five minutes for questions and comments.

I. Rule 9. If a person requests additional time, at the expiration of the five minutes allowed, the hearing officer may extend the time up to ten additional minutes. A member of the public may request additional time whether or not his or her initial time to speak has been extended by the hearing officer.

J. Rule 10. Persons recalled will be heard in the same order as originally called, Rule 9 shall govern time limits, requests for extended time and extensions of time or recall.

K. Rule 11. The party requesting site approval shall be allowed to make an opening statement prior to presenting evidence, and a closing statement at the conclusion of the comments and questions from members of the public.

L. Rule 12. When all members of the public have been allowed any time requested for comment and questions, the party seeking site approval shall make a closing statement, and there after the hearing may be adjourned by the hearing officer. At any time after all members of the public who registered have had their initial opportunity for comment and questions, and at least one opportunity on recall, public comment and questions may be concluded by the hearing officer and following a closing statement by the party seeking

she approval, the hearing may be adjourned by the hearing officer. (Ord. 93-18 (part), 1992)